
ACCESS BOARD RESEARCH

Innovation in Implementation and Enforcement of State Accessibility Codes

FINAL REPORT

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Prepared by:

Jana Copeland, PhD, Project Director
Meeting the Challenge, Inc.

Research Team:

Randy Dipner, Research Advisor
Robert Gattis, Research & Technical Advisor
Rob Gilkerson, Research Advisor
Patrick Going, MBA, Research Advisor

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PREFACE

Code Implementation and Enforcement Project (Contract Number TBD-ABA-07-00031) commissioned by the U.S. Access Board. The Access Board is an independent Federal agency responsible for establishing guidelines for accessibility under several Federal laws. Created in 1973 to ensure access to Federally-funded facilities, the Board is now a leading source of information on accessible design. The Board develops and maintains design criteria for the built environment, transit vehicles, telecommunications equipment, and for electronic and information technology. The Board also provides technical assistance and training on these requirements and on accessible design and enforces accessibility standards that cover federally funded facilities. This project was also supported with funding from the National Institute on Disability and Rehabilitation Research (NIDRR), grant H133A060079, U.S. Department of Education. Any opinions, findings, conclusions or recommendations expressed in this report are those of the authors and do not necessarily reflect the views or policies of the U.S. Access Board or NIDRR.

BACKGROUND

The Board is structured to function as a coordinating body among Federal agencies and to directly represent the public, particularly people with disabilities. In most cases, the Board develops "guidelines," which do not directly affect the public but instead serve as the basis for "standards" issued by other agencies. In addition to Federal guidelines and standards there are specific state accessibility requirements that must be considered in design and construction. Some states have developed their own building codes but many have decided to adopt model codes instead. The practice of developing, approving, and enforcing building codes varies considerably among states. The focus of this project is to promote compliance with design requirements through a review and compilation of best practices for the implementation and enforcement of state accessibility codes.

METHODOLOGY

This project involved two research activities to collect focused information about the methods employed by nine states to implement and enforce state-level accessibility requirements (Odom, et. al, 2005). The first task utilized a comprehensive survey tool to collect descriptive data regarding these methods from state code officials. The follow-up task involved a review of archival data available on state websites related to accessibility requirements by the research team.

Sampling Design

The participants in this study were key personnel with building code responsibilities in each of the nine identified states. These key individuals were identified in collaboration with the regional Disability & Business Technical Assistance Centers (DBTAC) serving these states. The ten regional DBTACs are acutely aware of the varied success of states in ensuring accessible building construction and have access to the right people in every state to collect the data needed and to maximize response. More information about the DBTAC network can be found in Attachment E.

Project participants included state accessibility code experts, plan reviewers, representatives from building code departments, and directors of public agencies charged with accessibility code management. One primary individual with building code administration responsibilities was contacted in each of the nine states. Several objective criteria were used in identifying the respondents including state agency, job title, job responsibilities, and years in the position.

For the website review portion of the project, research staff reviewed websites for all nine of the states participating in the study. Survey respondents provided the accurate website addresses to view accessibility information. Research team members used several subjective and objective criteria when reviewing the sites, including history of accessibility requirements and descriptive information regarding implementation, implementation, training opportunities, and credential possibilities.

Instrumentation

Data were collected using the Unique Practices State Survey provided in Attachment A. A DBTAC Working Group was created to advise the research team on the project and to assist with development of the survey instrument. Members included directors and staff from five of the regional DBTACs. The survey was designed based on input from the DBTAC Working Group, the research team, and Access Board staff. The survey was piloted with a volunteer participant in New Hampshire and minor changes were made based on input from the respondent and interviewer.

The survey is composed of five sections soliciting information related to state building codes, state accessibility requirements, implementation and enforcement activities, technical assistance and professional development opportunities, and demographic data. Completion time for the survey was 30-45 minutes per state.

Data Collection Procedures

The first research task gathered descriptive data on the variety of approaches the nine states use to implement and enforce state-level accessibility codes. The pen-and-paper instrument shown in Attachment A was converted to a web-based data collection tool using Perseus Survey Solutions Version 7 software to facilitate easier data collection.

Survey results obtained via the web are approximately equivalent to more standard paper-and-pencil tools administered in-person or via mail (Dillman, 2007).

All data collection was completed by regional DBTAC staff serving the states identified, including representatives from Region 1, 3, 4, 5, 6, 9, and 10. Some representatives sent a survey invitation to the designated state official with code responsibilities via email, while other representatives relied on telephone contact to extend the invitation. Each DBTAC designated a point person in their office to coordinate data collection. Some regions collected responses from key personnel via telephone and then input the survey data via the Internet. The remaining regions allowed participants to self-respond to the survey via a link to the online survey.

Prior to launching data collection, the project director held a kick-off conference call to conduct preliminary training with the designated DBTAC personnel to provide guidance for the data collection process. This training was designed to ensure accuracy of data collection and entry and provided a forum for DBTAC staff to ask pertinent questions. The training also served to minimize variance in the survey administration practices. The project director also maintained regular dialogue with DBTAC personnel to address data collection issues.

Because identifying information was collected in the demographic portion of the survey and this final report will identify model practices by state, informed consent was secured from all participants prior to completing the survey. The consent form can be found in Attachment B.

Several methods were used to increase survey response rate and access the data of late responders (Creswell, 2003). Specifically, follow-up emails were sent by DBTAC representatives. Other methods used included offering to send a summary report of results, timing the survey's arrival during a less busy season, and specifying a deadline for response to the survey (Creswell, 2003).

The second research task gathered descriptive data on the variety of approaches the nine states use to implement and enforce state-level accessibility codes using a comprehensive review of archival data found on the state website related to accessibility requirements. Four research team members completed this review and compiled results based on a common structure for taking notes. These notes reflected information found on the websites as well as key ideas from the websites. This secondary task allowed the research team to validate, verify, and expound upon data collected from the surveys to create a richer set of results.

Limitations

It is important to note that this project is limited by several factors related to the sample respondents, instrument, and methodology.

As discussed above, this study utilized responses from one individual representing each of the nine states included in the study population. Therefore, results from this project cannot be generalized to the other 41 states. Because of the limited sample size, it

is difficult to identify “best” practices because the states were selected without surveying all 50 states. Until baseline data is collected regarding accessibility code implementation and enforcement across the nation, this project is limited to identifying promising practices only. Further, because no research has been done to measure the effectiveness and efficiency of the various implementation and enforcement techniques used by the sample states, caution should be employed when assessing the overall value and impact of the strategies discussed.

Similarly, surveys were administered to only one respondent per state. Several respondents interpreted questions differently, resulting in varying levels of response quality. While the secondary research activity of reviews of archival data available on state websites helped address this deficiency, the quality level of survey responses is not ideal. Finally, respondents had a wide range of experience levels within their agencies. It is unclear whether the nine participants in the project were the most appropriate to field inquiries related to their state accessibility code implementation and enforcement techniques.

As highlighted in the methodology section of the report, representatives from the regional DBTACs used mixed methods for survey delivery. Some representatives interviewed participants via phone while other representatives allowed respondents to enter survey responses directly into the online survey tool. This resulted in varying levels of detail. Overall, those regions using telephone interviews received more detailed information by delivering questions directly to the participant with follow-up probing questions. Future research of this type should centralize data collection to insure accuracy and completeness of data or require more standardized data collection procedures.

Despite best efforts to design and test an instrument to gather data regarding state access code implementation and enforcement, the final survey instrument included in Attachment A did not solicit a great enough level of detail. Several respondents did not fully capture the innovative methods used by their states. Upon analysis of the survey data, the research team initiated the secondary research task to review state websites for supplement information. This problem can be addressed in future projects of this type by including probing questions for interviewers.

While these limitations should be considered in the review of the results of this project, they do not take away the overall identification and cataloguing of techniques used by the nine participating states for implementing and enforcing state accessibility requirements. Based on these results, several key recommendations are outlined in the following section.

DATA ANALYSIS

Primary analysis of the data was performed using the Statistical Package for the Social Sciences (SPSS) Graduate Pack 14.0 for Windows. This software produced the analysis of the scaled questions and multiple choice questions from the survey. The

research team analyzed responses to the narrative/essay questions to identify themes and possible unique practices in state accessibility code implementation and enforcement. Data related to these themes and practices was also compiled from the website reviews and analyzed by the research team.

RESULTS

Introduction

Material presented in this section is based primarily on responses from survey participants. Review of archival material available on the state websites allowed for limited validation and clarification of the information provided by survey respondents.

Response Rate

The survey was administered to the nine states identified for inclusion in this project. All results were encoded by the Perseus software. DBTAC personnel collected data from all nine states, resulting in a 100% response rate. There was no missing data in any of the completed surveys. Based on the completed surveys, the following characteristics were identified among survey participants.

Respondent and State Characteristics

Demographic information about survey respondents was collected in Section 5 of the survey. The questions included inquiries about the respondents' state agency, position and tenure in the position. Respondents included representatives from California Accessibility Code Advisory Committee, Florida Department of Community Affairs, Hawaii Department of Health's Disability & Communication Access Board, Massachusetts Architectural Access Board, Michigan Bureau of Construction Codes, Minnesota Building Codes and Standards, Pennsylvania Department of Labor & Industry's Accessibility Advisory Board, Texas Department of Licensing and Regulation's Architectural Barriers Program, and Washington Building Code Council. Respondents' positions included executive director, analyst, committee member, bureau chief, department manager, and reviewer. The average tenure within these positions was 12.9 years. Six of the nine respondents have been in their position longer than 10 years. Based on their length of experience, the respondents were well qualified to discuss details of their states' accessibility requirement implementation and enforcement.

Survey Section 1 – State Building & Access Codes

Information about state building and access codes was collected in Section 1 of the survey. The questions included inquiries about the presence of a state building code, the title of that code, methods for code administration, the presence of state accessibility requirements separate from the building code, and occupancy categories affected by accessibility requirements.

Seven of the nine survey respondents indicated that they have a state building code. California, Michigan, Minnesota, Pennsylvania, and Washington have codes based on the 2006 International Building Code (IBC). Hawaii and Texas are the only two states whose respondents indicated that they are without a statewide building code. Six of the states have adopted technical standards for accessibility separate from those referenced in a state building code. These standards include the Michigan Barrier Free Design Act, Pennsylvania Universal Access Act, and Texas Accessibility Standards. California and Washington include accessibility provisions in state codes of regulation. Hawaii has adopted the 2002 ADAAG for buildings and facilities, building elements designed for children’s use, and state and local government facilities, the FHA accessibility guidelines, and the State of Hawaii Residential Housing Accessibility Guidelines. Florida, Massachusetts, and Minnesota include accessibility requirements in the state building code and do not have separate accessibility standards.

The states utilize a wide variety of methods for administering their state building and accessibility codes. California is the only respondent that administers its codes at the state level only. Several states, including Florida, Texas, and Washington, delegate administration to the local level. The remaining states use a combination of state, region, county, city, and township administrative mechanisms. A summary of Section 1 results can be found in Table 1.

Table 1. Summary of Section 1 Results – General Code Information

	CA	FL	HI	MA	MI	MN	PA	TX	WA
State Building Code	✓	✓		✓	✓	✓	✓		✓
Administration Level									
State	✓		✓	✓	✓	✓	✓		
County		✓	✓		✓	✓		✓	✓
City		✓		✓	✓	✓		✓	✓
Region					✓				
Other				✓ - Town			✓		
State Accessibility Code	✓		✓		✓		✓	✓	✓

State building codes and accessibility standards apply to a wide variety of use and occupancy categories. Most states have accessibility requirements for public accommodations, public government buildings, and commercial facilities. Codes based on IBC 2006 apply to use and occupancy classifications pertaining to places of assembly, business, factory, high-hazard, institutions, mercantile, residential, storage, and utility facilities. Most states limit accessibility requirements of areas used by employees as work spaces to allow individuals with disabilities to approach, enter, and exit the space. States apply accessibility requirements to permanent and temporary facilities. Massachusetts, Michigan, and Texas require accessibility in churches and other places of worship. The majority of state codes discussed in this project do not apply to single family residential housing.

Survey Section 2 – Code Implementation & Enforcement

Follow-up information about implementation and enforcement activities was collected in Section 2 of the survey. These questions included inquiries about mechanisms of enforcement, review processes, and fines for violations.

Six states administer accessibility requirements as part of the state building code. Five respondents indicated that their state has a separate review for accessibility compliance before issuing a building permit. For instance, the State of Hawaii Disability & Communication Access Board reviews plans for public buildings, facilities, and sites before issuing a final document review letter. In Texas, reviews are performed by the Architectural Barriers Program and registered Accessibility Specialists licensed by the state for projects with estimated costs over \$50,000. However, local building officials conduct these reviews in most of the states.

In contrast, only four states have a separate review for accessibility compliance before issuing a Certificate of Occupancy. Again, these reviews are typically done by local building officials.

California, Hawaii, Massachusetts, Michigan, Minnesota, Pennsylvania, and Texas utilize citizens' complaints to assist with enforcement of accessibility requirements. Most of these states allow citizens to file complaints anonymously. In Pennsylvania, complaints can be filed through the local authorities and where the local authority does not enforce the code, complaints are filed through the Pennsylvania Department of Labor and Industry. California, Texas, and Washington use inspections by officially designated entities, usually at the local level, to assist with enforcement of accessibility requirements. For example, in Washington, inspectors issue correction notices when buildings are found to be noncompliant which are enforced through the city or county authorities. On the other hand, Florida neither requires accessibility reviews before issuing permits nor investigates complaints regarding inaccessible existing buildings.

Massachusetts, Pennsylvania, and Texas are the only states in the sample that levy fines for violations of accessibility requirements. For example, in Massachusetts, the Architectural Access Board has authority to issue fines up to \$1,000 per day per violation, place liens against other licenses (e.g., liquor license), take action against the offending facility to close it, and issue subpoenas for individuals to appear before the board or provide relevant documents. Pennsylvania uses a similar fine structure. Some states, like California, rely on the U.S. Department of Justice or civil lawsuits by private citizens. In Michigan, citizens can file complaints with the Bureau of Construction Codes or with local building departments, but monetary damages are sought through private civil action. Similarly, complaints filed with the Hawaii Disability & Communication Access Board are relayed to the department ADA coordinator for resolution. However, "these actions are all voluntary compliance and [are] not enforcement." The only enforcement is through private civil action. A summary of the results from Section 2 can be found in Table 2.

Table 2. Summary of Section 2 Results – Code Implementation & Enforcement

	CA	FL	HI	MA	MI	MN	PA	TX	WA
Implementation									
Building Permit Review	✓		✓	✓		✓	✓	✓	
Occupancy Permit Review	✓			✓	✓	✓			
Enforcement									
Citizens Complaints	✓		✓	✓	✓	✓	✓	✓	
Anonymous	✓		✓		✓			✓	
Inspections	✓							✓	✓
Fines				✓			✓	✓	

Survey Section 3 – Continuing Education, Professional Development, & Technical Assistance

In Section 3 of the survey, information was collected regarding continuing education and professional development opportunities for code enforcement officials and technical assistance services offered by the state. Questions included inquiries about the availability of copies of the state building code and other technical assistance publications, availability of training for code enforcement officials, availability of credentialing for building officials, presence of a website, and availability of phone-based technical assistance.

Of the nine respondents, Massachusetts is the only state that provides copies of the state accessibility requirements to code enforcement officials. However, the other states do make their requirements available for viewing and download on their websites.

Seven of the nine states provide training regarding the state architectural accessibility requirements for building offices and others. However, only three of these states make this training mandatory. This training is offered by offices of the state architect, professional organizations, departments charged with administering the requirements, credited and approved vendors, and regional DBTACs. California, Florida, Massachusetts, Michigan, Pennsylvania, and Texas offer accessibility credentialing programs for building officials and others. Of these, Florida, Massachusetts, Michigan, Pennsylvania and Texas require mandatory credentialing for local code officials. For example, enforcement of the Texas Architectural Barriers Act is done by Registered Accessibility Specialists who have completed the Texas Accessibility Academy. In Pennsylvania, over 90% of municipalities have opted to enforce the Uniform Construction Code locally. However, the state offers a credentialing program for Accessibility Inspectors/Plans Examiners. These programs include basic education and experience requirements with continuing education required for certification maintenance.

Five of the states provide technical assistance publications regarding the state architectural accessibility requirements for building professionals. These publications are provided by the state agency responsible for administration, advisory boards, and state building official organizations. California directs building professionals to other organizations offering technical assistance, such as the regional DBTAC.

All of the states in the project have a website dedicated to information regarding accessibility requirements for building professionals and the general public. These sites are most often maintained by the state agency charged with implementation and enforcement. Attachment C provides a current list of built environment accessibility websites for each of the nine states. In Washington, information regarding accessibility requirements can be found through websites for the State Building Code Council and the Association of Building Officials. While an assessment of the quality of these websites was beyond the scope of this project, several sites did offer information that included links to the building code and related state regulations, frequently asked questions, complaint procedures, and contact information. Likewise, all of the states also offer technical assistance to building professionals through a telephone hotline service. A summary of Section 3 results can be found in Table 3.

Table 3. Summary of Section 3 Results – Continuing Education, Professional Development, & Technical Assistance

	CA	FL	HI	MA	MI	MN	PA	TX	WA
Training Program									
Training Available	✓	✓	✓	✓	✓	✓		✓	
Mandatory		✓				✓		✓	
Credentialing Program									
Credential Available	✓	✓		✓	✓	✓	✓	✓	
Mandatory							✓	✓	
Publications			✓	✓			✓	✓	✓
Copies of Code				✓					
Website	✓	✓	✓	✓	✓	✓	✓	✓	✓
Phone Technical Assistance	✓	✓	✓	✓	✓	✓	✓	✓	✓

Survey Section 4 – General Evaluation

In the fourth section of the survey, respondents were asked to rate the overall architectural accessibility of their state and the level of progress made to increase accessibility. When rating overall architectural access, respondents ranked their states on a scale from 1 (*Not at all accessible*) to 6 (*Completely accessible*). The majority of respondents rated their states as better than average in overall level of accessibility. In fact, only one respondent rated the state as below average. When rating the amount of progress made to improve accessibility, respondents ranked their states on a scale from 1

(*No progress at all*) to 6 (*Significant progress*). Eight of the respondents believe their states have made better than average progress in improving architectural accessibility for people with disabilities. Four respondents said their states have made “significant progress” toward increasing access. Overall, one respondent summarized the responses well by pointing out that “awareness of requirements at the local level has increased as well as compliance.” A summary of the ratings can be found in Table 4.

Table 4. Survey Section 4 – General Evaluation

	CA	FL	HI	MA	MI	MN	PA	TX	WA
Overall Access	3	4	4	4	4	5	4	4	4
Improvement Progress	3	6	4	6	6	6	5	4	4

Section 4 of the survey included three questions that solicited free responses from state representatives regarding accessibility successes and challenges in the states. These survey questions are included in Attachment A. These self-evaluative questions allowed respondents to offer insight into the overall accessibility landscape in their states taking into account state building code, Federal accessibility requirements, resources, innovations and self-identified best practices. Verbatim responses to these questions are listed in Attachment D. Several key items were discussed by respondents.

Three respondents discussed their states’ long-term commitment to increasing accessibility for people with disabilities in the built environment. For example, the Massachusetts Architectural Access Board has been in existence for forty years. The respondent representing Michigan noted that all facilities have been covered by the state building code since 1974 and that the state code was adopted prior to ADA and is more stringent. Similarly, accessibility requirements have been included in the Minnesota state building code since its inception. Reviews of state code websites also reflect a long-term commitment to accessibility. For instance, according to the history of access law in Texas, the state adoption and implementation of access requirements closely parallels passage of significant federal disability laws indicating a commitment to access for citizens with disabilities since 1969.

Two respondents consider their states’ adoption of model building codes to be a significant success regarding accessibility. For example, the California respondent discussed the state adoption of the IBC as an accessibility success. Another respondent believes that the states adoption of model standards and movement away from developing a unique state code has “assisted in overall compliance.” Each respondent highlighted the importance of uniformity and consistency for overall accessibility compliance.

Several respondents highlighted examples of effective activities regarding accessibility code implementation and enforcement. For example, Florida has sponsored two design charettes, one for stadium style movie theaters and one for miniature golf courses. According to the respondents, these charettes “produced products that are used by many architects nationwide as prototypes for these types of facilities.” Because of the success of these initial events, another charette is being planned regarding lodging. Hawaii’s Disability & Communication Access Board hosts an annual accessible design

conference for the public and private sector. Further, the “DCAB offers informal technical assistance via fax or phone for public and private facilities.” Finally, the representative from Massachusetts considers the presence of disability commissions within many local municipalities to be a success regarding accessibility in the state.

Respondents also offered insight into challenges regarding accessibility the states still face. These challenges involve lack of resources, conflict with local authorities, access deficiencies in rural areas, access in existing buildings (versus new construction), lack of standards at the state level for housing changing accessibility requirements, and lack of uniformity among accessibility standards. For example, three respondents discussed lack of funding as a major challenge to accessibility implementation and enforcement. This includes “funding for transition plan projects,” lack of funds availability for businesses wanting to make accessibility modifications, and insufficient funding for staff.

Two respondents discussed difficulties involving the state building code and local municipalities. For instance, one respondent indicated that “incorporating accessibility requirements in the local building codes” is a major barrier to increased accessibility in the state. Another respondent mentioned challenges in “getting architects and local municipalities better trained on all aspects of the code” as the primary barrier to increased accessibility in the state.

Two respondents discussed the level of accessibility in rural areas as a remaining accessibility challenge. In one state, inaccessible facilities are common in rural areas while the state building code in another does not cover all rural portions of the state. Similarly, four respondents discussed the lack of accessibility in existing facilities as a major challenge in their states. The consensus of these respondents is that “compliance in existing buildings remains a challenge.”

As discussed above, few of the states surveyed for this project include single family housing in state building code requirements. This includes requirements for accessible housing construction. One respondent indicated that this overall lack of attention to housing remains a challenge to accessibility in the state. Specifically, the respondent recommends that the state needs “to increase accessibility requirements in housing” particularly when older buildings are repurposed for housing.

Finally, two respondents raised issues regarding the multitude of accessibility standards impacting the design and construction of buildings and the shifting landscape regarding these requirements. According to one respondent, a major accessibility challenge in the state involves “constantly changing accessibility standards that make it difficult if not impossible for building departments to keep up with and enforce properly.” Because of this flux, one respondent pointed out that “architects, designers, [and] contractors want one state code that also covers the design and construction requirements in the ADA and Fair Housing Act.” Some states are responding to concerns of building professionals through the adoption of model codes and other methods. According to one respondent, the state is convening a subcommittee to explore code

revisions that would incorporate the ADA Standards for Accessible Design, the International Building Code, and the Fair Housing Accessibility Standards. Other states, like Hawaii, have already adopted state codes that incorporate accessibility requirements for “new construction and alterations of public buildings, facilities, and sites [that] are [in] compliance with ADAAG, FHAAG, and RHAG.”

These insights offered by respondents in Section 4 of the survey regarding accessibility successes and challenges were instrumental in identifying promising practices for state access code implementation and enforcement and recommendations for federal agencies with accessibility-related responsibilities, state agencies in charge of building and access codes, building professionals and local officials, disability organizations, and researchers discussed in later sections of this report.

Table 5. Survey Section 4 – Accessibility Successes & Challenges

	CA	FL	HI	MA	MI	MN	PA	TX	WA
Successes									
Adoption of model code	✓				✓				
DOJ certification		✓						✓	✓
Access part of state code		✓			✓	✓			
Design charettes		✓							
Annual conference			✓						
Major lawsuits				✓					
Accessibility compliance boards			✓	✓			✓		
General increased awareness							✓		
Challenges									
Changing standards	✓			✓					
Lack of uniformity				✓					
Existing facilities		✓				✓		✓	
Funding constraints			✓		✓				✓
Local jurisdiction adoption			✓						
Employee work areas				✓					
Housing				✓					
Rural communities					✓	✓			
Lack of training							✓		

The survey and archival data available on the state websites were analyzed to determine trends and differences in state access code implementation and enforcement. Data from the archival review were integrated with the results from the survey responses. Several themes and promising practices emerged from this integration and analysis. These themes are discussed in the following section of the report.

CONCLUSIONS

Discussion of Findings: Themes

Upon review of the survey and archival data collected during this study, the research team identified several key themes. These themes include:

1. Dwelling unit occupancy categories and accessibility code application
2. Adoption of model codes
3. Delegation of code implementation and enforcement to local authorities
4. Enforcement mechanisms
5. Project reviews before issuing building permits
6. Utilization of training, publications, and telephone technical assistance

These themes are discussed in greater detail below.

Theme 1 – Dwelling Unit Occupancy Categories

Most of the codes discussed by respondents do not reference single family dwelling access. Respondents from several states, including Florida, Michigan, and Pennsylvania, specifically noted that their codes covered most types of occupancy except single family , duplex, or triplex residential units and those covered by the Fair Housing Act. Some states, like California, extend code coverage to publicly funded housing. While some local jurisdictions, like Austin, Texas, are proactive in implementation of visitability requirements to increase access to single family homes, this significant area of community access is not being adequately addressed by state building codes or federal statutes pertaining to disability access. Even in states with accessibility requirements for housing, respondents indicate a need to increase accessibility requirements. For example, one respondent specifically indicated a “need to increase accessibility requirements in housing,” particularly when older buildings are repurposed for housing (e.g., factories becoming lofts).

Theme 2 – Adoption of Model Codes

Survey responses and further research by project staff indicate that four of the states have adopted the IBC with or without modifications to the accessibility requirements. These states are: California, Michigan, Pennsylvania, and Washington. According to the International Code Council (ICC), Florida’s accessibility requirements are based upon IBC 2003 Chapter 11 with amendments to be more consistent with the ADA Standards for Accessible Design. Accessibility requirements in Hawaii and Texas are based on the ADA Standards for Accessible Design (ICC, 2009b). Respondents indicated that model code adoption is a significant success for increasing accessibility of the built environment. For example, the Michigan representative reported that adoption of national standards at the state level “has assisted in overall compliance.” It is important to note that code organizations, like the ICC, that develop these model codes express a commitment to meet or exceed accessibility requirements of the ADA Standards for Accessible Design and the FHA Accessibility Guidelines (ICC, 2009a).

Theme 3 – Shared Administration Responsibility

Eight of the nine respondents indicated that administration of the state building code is a shared responsibility between the state and local jurisdictions including regional, county, city, and town authorities. Only one state – Florida – reported that administration occurred at the local level only. Specifically, Florida statute requires the Florida Building Code Commission to develop code requirements and delegates enforcement responsibilities to local building code officials. Local authorities are also able to modify parts of the building code, with the exception of accessibility and energy code requirements. Similarly, the Minnesota and Washington state codes are administered at the county and city levels. This administration includes accessibility reviews prior to the issuance of building and occupancy permits. Pennsylvania has adopted a mixed approach to code administration, implementation, and enforcement. According to the Pennsylvania respondent, local authorities can voluntarily opt to administer the state code. However, if the local authority opts out, the code is administered at the state level through the Department of Labor and Industry. At this time, approximately 100 local authorities have ceded administrative powers to the state.

Overall, state-level respondents reported limited specific knowledge of activities at the local jurisdictional level despite described reliance upon local building officials for implementation and enforcement. When asked to offer specific information about code administration at the local level, six of the nine respondents offered information regarding credentialing requirements for local building officials. Two respondents indicated no knowledge of local administration. Only one respondent offered specific details about local involvement in state code administration, implementation, and enforcement.

Theme 4 – Enforcement Mechanisms

As noted above, only three states have enforcement mechanisms in place with authority to exert significant influence on building and facility owners out of compliance with accessibility requirements. Massachusetts, Pennsylvania, and Texas levy significant fines against non-compliant businesses. These states also withhold or postpone issuance of building and occupancy permits and issue stop work orders until compliance is met.

Conversely, six of the nine states rely on enforcement offered through the U.S. DOJ and private civil lawsuits filed by citizens under the ADA. For example, in Florida, only corrections to the project bringing it up to code are required. In California, Michigan, and Minnesota, citizens can file accessibility-related complaints with the DOJ or file private lawsuits in Federal court, as mandated under ADA. The Hawaii representative indicated that enforcement is through private right of action. While complaints to the Disability & Communication Access Board are relayed to the appropriate ADA coordinator for resolution, response to complaints is voluntary compliance only and not considered enforcement. In two states – Florida and Washington

– local building code officials issue correction notices requiring that violations of the code and accessibility requirements be rectified prior to issuance of required permits.

Theme 5 – Project Reviews

According to respondents, seven of the states review project plans for accessibility requirements prior to the issuance of building and/or occupancy permits. For instance, the California state architect reviews accessibility for all state projects while local jurisdictional authorities review accessibility as part of an overall plan review. In Hawaii, the Department of Health’s Disability & Communication Access Board (DCAB) reviews plans for public buildings, facilities, and sites when local jurisdictions require a DCAB final document review letter. Minnesota and Texas also offer written notification to the designer and facility owner during the plan review process. Review of appropriate Texas websites regarding accessibility requirements revealed even greater specificity regarding project review requirements under the Texas Architectural Barriers Act. Reviews for accessibility requirements are required for projects over \$50,000 estimated cost and designers/facility owners are required to submit a full set of construction documents to the Texas Department of Licensing and Regulations (TDLR) Architectural Barriers Program and/or registered accessibility specialists licensed by TDLR. However, while projects with a total estimated cost less than \$50,000 are required to comply with Texas Accessibility Standards, no review or registration is required. Massachusetts local building officials conduct reviews prior to issuing permits while state-level inspectors enforce code requirements in projects involving state government facilities.

On the other hand, the Florida building code does not require review prior to issuance of permits. However, if local jurisdictions opt to review for accessibility requirements, they are allowed. Accessibility requirements under the state code “are only triggered when a building permit is being issued.” The respondent from Washington indicated that accessibility reviews are not required prior to issuance of permits. However, local authorities may conduct reviews if they so choose.

When discussing requirements and mechanisms for accessibility reviews prior to issuance of permits, three respondents offered additional details regarding variances to state accessibility codes. All three indicated that general construction and design variances can be granted at both the state and local levels. However, accessibility variances are only granted by a state-sanctioned review body. For example, Florida statute allows local authorities responsible for issuance of permits to modify parts of the state building code and offer variances for projects upon request. However, according to the respondent, Florida statutes prohibit modification of the accessibility and energy portions of the code by local jurisdictions. Requested variances involving accessibility can only be granted by the Florida Building Code Commission. In Massachusetts, the state building code (780 CMR) grants local building officials authority to allow “compliance alternatives.” However, under the accessibility requirements (521 CMR), accessibility-related variances can only be granted by the Architectural Access Board. Similarly, builders and owners may request exceptions under the Michigan State Building

Code. However, accessibility-related exceptions can only be granted at the state level by the Barrier Design Board and not at the local jurisdictional level.

Theme 6 - Utilization of training, publications, and telephone technical assistance

All nine of the participating states offer some combination of training, access to information via the Internet, and telephone technical assistance. It is important to note that an assessment of the quality of these services is beyond the scope of this project.

Seven of the states offer training by state entities for building code officials and design and construction professionals. Entities providing this training include the Florida Department of Community Affairs, Hawaii Disability & Communication Access Board, Massachusetts Architectural Access Board, Michigan Bureau of Construction Codes, Minnesota Building Codes and Standards, and Texas Architectural Barriers Program. California offers seminars provided by the State Architect and collaborates with training opportunities offered by non-state entities such as the California Building Officials Organization and American Institute of Architects. Pennsylvania provides training through credited and approved providers, offering referrals via their state website. Of the respondents, Washington was the only state that did not indicate any training available regarding accessibility requirements and the state building code. Of the eight states offering some form of training, only three have made the training mandatory – Florida, Minnesota, and Pennsylvania.

On a related note, California, Florida, Massachusetts, Michigan, Pennsylvania, and Texas offer accessibility credentialing programs for building officials and others. Florida, Massachusetts, Michigan, Minnesota, Pennsylvania and Texas require mandatory credentialing for local code officials. For example, Florida requires that all local building code officials, plans examiners, and any other official issuing building permits be certified by the State Licensing Board through the Florida Department of Business and Professional Regulation. Therefore, “officials are required to have a total of 14 hours of training every two years, two hours of which must be on the Accessibility Code.” Likewise, the Commonwealth of Massachusetts requires building officials to be certified by the Board of Building Regulations and Standards certification committee. These Certified Building Officials “must maintain 45 continuing education units every three years to maintain their certification.” Local municipalities are allowed to hire uncertified building officials with the understanding they will become certified within a certain number of years. The Michigan State Code Officials Registration Act requires continuing education unites for all officials on a three year cycle. According to the Michigan respondent, these units are required of all code officials, regardless of level. Similarly, the Minnesota State Building Code must be administered by certified individuals and continuing education units are required to maintain certification. Pennsylvania also requires that all code officials be registered and certified. Certification is maintained through fifteen continuing credit hours every three years. Finally, the Texas Architectural Barriers Act is enforced by the Texas Department of Licensing and Regulations Architectural Barriers Program and registered accessibility specialists. The state offers

training through the Texas Accessibility Academy with seminars scheduled at various times and locations throughout the state.

Five of the states offer technical assistance publications on state accessibility requirements for building professionals. These states are: Hawaii, Massachusetts, Pennsylvania, Texas, and Washington. In Washington, publications are provided by the Washington Association of Building Officials. The other four states provide technical assistance materials through the appropriate state entity. Similarly, eight of the states offer information regarding accessibility requirements under state building code via a dedicated website/webpage. Only Washington refers interested parties to an outside site offered by the Washington Association of Building Officials. All nine states indicated that technical assistance is available via phone.

Discussion of Findings: Promising Practices

Because of the limited number of states reviewed in this project and a lack of observed results from practices implemented by these states, it is premature, at best, to label the following “best” practices. Results from this project allow for the identification and cataloging of approaches to accessibility code implementation and enforcement used by a limited number of states. Despite this limitation, technical assistance providers, like the U.S. Access Board and the DBTACs, have extensive experience identifying strategies for increasing accessibility at the local level. Based on this experience, promising practices can be considered techniques, processes, or activities that are efficient and effective for achieving a specific result – in this case, accessibility code implementation and enforcement. The expertise of these individuals goes a long way toward identifying those practices that have a high probability of increasing accessibility in the built environment. Based on this assumption, results from this study highlight several promising practices utilized by one or more states in their accessibility code implementation and enforcement techniques. These practices involve:

1. State oversight
2. Use of fines for code enforcement
3. Expanded training opportunities
4. Expanded technical assistance services
5. DOJ state code certification.

State Oversight

As discussed previously, several states either delegate implementation and enforcement of state building and accessibility codes to local building officials or share responsibilities with local municipalities. While it remains to be seen which mechanism is most effective, Pennsylvania offers a promising solution. In that state, local municipalities can opt to conduct their own accessibility inspections without assistance from state-level personnel. However, state personnel conduct rigorous audits of local municipalities’ accessibility inspections every five years. This practice offers centralized oversight to the accessibility compliance as an additional layer of checks and balances.

Several states highlighted in this project include accessibility reviews as an integral part of building permit issuance. Before owners can proceed with new construction or renovations and alterations, either state or local authorities review design plans to ensure compliance with state building code and accessibility standards. Oftentimes, administrative bodies, like the Michigan Barrier Free Design Board, actively participate in the review process. Also, agencies like the Pennsylvania Accessibility Advisory Board process appeals and grant extensions of time related to accessibility design of construction projects.

Some states go a step further by granting state-level administrative bodies the power to issue variances and exceptions to accessibility requirements on a limited basis. This practice has been adopted by the Michigan Barrier Free Design Board, Florida Building Codes Commission, Pennsylvania Accessibility Advisory Board, and Massachusetts Architectural Access Board.

Use of Fines for Code Enforcement

One practice that merits attention involves enforcement of accessibility standards that carry financial consequences for noncompliance. States that indicate significant progress in increasing accessibility for people with disabilities employ numerous enforcement strategies that raise the level of importance for compliance. For example, the Massachusetts Architectural Access Board has authority to issue fines up to \$1,000 per day per violation and to take action to suspend other licenses (e.g., liquor licenses). Similarly, Pennsylvania's Department of Labor and Industry can also issue fines for code violations that involve accessibility elements.

Expanded Training Opportunities

Another element for effective accessibility requirement implementation and enforcement is ongoing quality training for building officials and other construction and design professionals. While the vast majority of states offer some sort of training, several characteristics emerge that may promise higher effectiveness and quality levels. For instance, Florida, Minnesota, and Pennsylvania provide training and make participation mandatory for building officials. Some states go even a step further by providing a well-regulated professional development process for building officials. These programs include California's Certified Access Specialist program that includes continuing education requirements, Michigan's Approved Continued Education Program, Pennsylvania's Construction Codes Academy, and Texas' Accessibility Academy, to name a few. Finally, states like Washington include an accessibility track in the annual professional building official association conference, and Hawaii hosts an annual conference dedicated solely to accessible design. These training opportunities are a valuable tool for building officials and other construction and design professionals to increase knowledge about and stay current with accessibility requirements.

Expanded Technical Assistance Materials

Several respondents report a commitment to developing and disseminating technical assistance materials to building professionals in efforts to supplement and clarify accessibility standards. These materials are often made available in print, electronically on the state website, or for purchase. For example, California provides an illustrative 125-page checklist that includes drawings of accessibility elements. Several states such as Hawaii, Michigan, and Minnesota, offer interpretive opinions regarding accessibility requirements like those offered by the DOJ under the ADA at www.ada.gov. Massachusetts provides print copies of the state building code and accessibility requirements to building officials across the state. Some states also offer technical bulletins on accessible design of elevators, water closets, and other elements similar to those drafted by the Access Board. Texas provides technical memoranda to clarify accessibility requirements, rectify contradictions, and explain requirements outlined in the Standards for Accessibility. Finally, states like Washington offer books related to accessibility for purchase.

DOJ State Code Certification

Survey respondents were offered an opportunity to discuss accessibility successes enjoyed by their states in Section 4 of the State Survey. Three states considered certification of their state building code by the DOJ a significant success. These states include Florida, Texas, and Washington. [Note: the Washington State Building Code was certified by DOJ in 1992. Washington adopted the 2006 IBC that went into effect July 1, 2007. Therefore, the current Washington Building Code is no longer DOJ certified. However, the respondent still indicated that state code certification was an accessibility success for the state.] It is important to note that these three states represent 50% of the total certified state codes nationwide. As discussed earlier, DOJ certification offers these states significant advantages for accessibility requirement implementation and enforcement. DOJ certification assures that state and local codes meet or exceed ADA requirements. Therefore, by complying with state-level requirements, businesses are also able to comply with the ADA. Further, businesses, builders, developers, and architects can rely on state or local plan approval and inspection processes for assistance with ADA compliance through the inclusion of certified accessibility requirements. Errors that are made in design and construction that adversely impact accessibility can then be corrected at a time when adjustments are more easily made and costs are more reasonable. These states also provide a mechanism for verifying accessibility compliance that benefits private industry and people with disabilities (DOJ, 2003). The value of the DOJ certification process cannot be overstated because state and local building codes and standards play an integral part in achieving overall accessibility in our nation's built environments.

RECOMMENDATIONS

While this project is just a first step in the process of analyzing the methods used by states to implement and enforce their accessibility requirements, several key topics emerged from the survey data, review of state websites, and commentary offered by study participants that merit further exploration by federal agencies with accessibility-related responsibilities, state agencies in charge of building and access codes, building professionals and local officials, disability organizations, and researchers. The following recommendations relate to overall access code administration, DOJ code certification, enforcement, training and technical assistance, and directions for additional research.

Recommendation: Continued Collaboration

Fortunately, there has been increased collaboration between federal and state agencies, disability groups, code development organizations, and programs like the DBTACs to build capacity among building professionals over the last two decades. This collaboration must continue to effectively disseminate information about accessibility in the built environment. While great strides have been made to increase physical accessibility across the country, much work remains.

Recommendation: Coordinated Enforcement

Often, states delegate responsibility for code enforcement to local municipalities. However, respondents in this project had limited knowledge about the local administration, implementation, and enforcement of accessibility requirements. Therefore, state agencies would be well-advised to initiate programs to increase their staff's awareness of implementation and enforcement activities by local jurisdictions, particularly where responsibilities are shared. This will benefit state agency personnel and allow for better customer service for building professionals and individuals with disabilities contacting the state agency for information or action.

Recommendation: Coordination of Standards

As discussed by respondents (see Attachment D), designers and builders often face obstacles in the design and construction of building projects because of the multiple standards and codes that affect accessible building design. One way to help alleviate this confusion is to continue work to coordinate the multitude of laws and codes with accessibility elements. While much work has been done by federal agencies and professional code development organization, more work needs to be done.

Recommendation: Revitalization of DOJ State Code Certification Program

As discussed above, another way to increase consistency among accessibility requirements is to pursue DOJ certification of state codes. It is significant to note that only six states received DOJ certification. Certification offers several significant advantages to stakeholders. These include facilitation of voluntary ADA compliance, ability to refer to certified code requirements for equivalency with the ADA, ability to rely on state or local plan approval and inspection process for assistance with ADA

compliance, and identification of design errors early in the design process, resulting in limited costs for correction (DOJ, 2003). Further, certified codes help alleviate strain on the DOJ's ADA enforcement division by allowing resolution of noncompliance at a more local level and resulting in greater access for people with disabilities in a shorter amount of time. It is recommended that the DOJ revitalize its efforts to market the certification process to states not currently certified. Those states with certified codes can play a part in this awareness campaign by providing input on the value of the certification process and the steps involved in securing certification.

Recommendation: Enforcement

Based on the promising practices of the nine states highlighted in this project, several enforcement-related recommendations are apparent. For example, states are well-advised to implement an accessible online complaint process for access-related noncompliance. This allows individuals to file complaints with the appropriate enforcement agency in a timely manner. This increases the transparency and ease of use for consumers. It also alleviates the amount of postal mail received by the state agencies and decreases the amount of paperwork associated with complaints. Efforts to modify and improve complaint processes allow citizens to more easily assist with enforcement responsibilities.

Similarly, several respondents indicated that enforcement of accessibility requirements remains a significant challenge. Accessibility of existing facilities that perform limited construction and remodeling remains limited. Therefore, proactive enforcement mechanisms at the federal and state levels will help increase access to these facilities. Further, more significant consequences for noncompliance are needed. These can include fines, construction liens, and suspension of licenses, among other techniques. Business owners and design and construction professionals are more likely to build accessible facilities when there are serious consequences for noncompliance. Again, state-level enforcement helps alleviate strain on the DOJ's ADA enforcement division and results in more localized resolution of accessibility noncompliance, resulting in improved community access.

Recommendation: Complementary Training Opportunities

The key to effective access code implementation and enforcement is expanding training and technical assistance opportunities for building professionals. Toward this end, a comprehensive online training curricula designed to complement the existing training offered by the states would greatly benefit building professionals. This course could incorporate information about the variety of federal accessibility laws and model code accessibility requirements and highlight best practices for state-level code implementation and enforcement. The course could include state-specific information tailored toward state building requirements with content developed in conjunction with state-level officials. Ideally, this course would be created and offered by a federal agency with accessibility responsibilities or by a national program like the DBTACs with input from professional building and code development organizations. Obviously, the course

would also help fulfill continuing education requirements of state credentialing programs. Organizations developing this type of course can capitalize on recent and upcoming changes regarding ADA Title II and III regulations and the ADA/ABA to build accessibility awareness among building professionals.

Recommendation: Rural Community Access

Several respondents in this project also indicated that accessibility in rural communities continues to lag behind more urban areas with greater implementation and enforcement resources. Most states would benefit from revitalized outreach efforts into rural communities. This activity could be coordinated between federal agencies, state offices, local enforcement officials, grassroots disability organizations, regional DBTACs, and local chapters of professional building organizations (e.g., AIA, contractors' associations). Increased training, outreach, materials dissemination, and knowledge translation within rural communities will help increase overall awareness levels of building professionals and thereby, the accessibility for residents with disabilities.

Recommendation: Future Research Opportunities

Finally, this project is a first step to identify and discuss methods for state access code implementation and enforcement among nine states selected by the U.S. Access Board and the DBTAC network. Stakeholders would greatly benefit from continued research in this area. For instance, there is a need to survey all 50 states to identify methods being used across the nation. This would allow for more effective identification of “best” practices for code implementation and enforcement based on a more comprehensive assessment of state techniques. It would also allow for continued refinement of the survey tool to solicit more valuable and comprehensive information.

While this project was intended to identify “best” practices for state access code implementation and enforcement, the limited sample size only allowed the identification of promising practices. Because the selection of promising practices was based on subjective criteria only, further research should be completed to evaluate the effectiveness and efficiency of these practices to determine if they truly are “best” practices. One method for this assessment would be the solicitation of end user input to evaluate the effectiveness of methods and identify practices that facilitate implementation and enforcement. This baseline data would allow for more meaningful evaluation of methods employed by states when implementing and enforcing accessibility requirements and would better facilitate the adoption of these practices by other states.

The majority of states highlighted in this project indicated that a large portion of implementation and enforcement is performed by local municipalities. Therefore, future projects should focus on these local mechanisms to identify and catalogue methods used by these jurisdictions. Subsequent projects could then identify best practices at the local level.

While much discussion has centered on the value of DOJ code certification to increase consistency among access code requirements, no research has been done to examine the role of DOJ certification more fully. Future research can assess the DOJ certification process and survey the impact of certification in those states that have certified codes. This information can also be used to reinforce the recommended public awareness campaign related to the DOJ certification process.

Finally, it is important to note that no one state embodies a perfect model for state accessibility code implementation and enforcement. Instead, each of the nine states featured in this project incorporate different elements for effective access code requirements. There is merit to a second phase of this project that continues conversation with states regarding specific elements of their access code implementation and enforcement mechanisms. For example, conversations should continue with Hawaii regarding their Disability & Communication Access Board, Massachusetts regarding their enforcement structure, and Texas regarding their Accessibility Academy, to name just a few. States across the country are utilizing innovative methods for access code implementation and enforcement. Stakeholders will benefit from continued research work on this topic.

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ATTACHMENT A: SURVEY QUESTIONS

Unique Practices in State Access Code Implementation

Meeting the Challenge, Inc. ABA – 07 – 0011

Section 1 - State Building & Access Code

Has your state adopted a state building code?

- Yes
- No

What building code have you adopted? _____

When was it adopted? _____

At what level are building standards administered?

Select all that apply:

- State
- County
- City
- Region
- Other _____
- Unknown

What can you tell me about how these codes are administered at the local level regarding

continuing education, technical assistance, credentialing, etc.?

Does your state have accessibility standards or requirements that are not part of the state building code (e.g., standards that are part of a state disability rights act or a state human rights act)?

- Yes
- No
- Not Sure

What is the title of those standards? _____

When were they adopted? _____

What use and occupancy classifications are covered by the accessibility standards?

Is new construction managed differently than alterations?

- Yes

- No
- Don't know

Have other jurisdictions in your state (e.g., city, county) adopted technical standards for accessibility?

- Yes
- No
- Don't know

Section 2 - Code Implementation & Enforcement

IMPLEMENTATION

How is the state building code administered (i.e., implemented and enforced) in your state?

How are the accessibility requirements administered?

- Part of state building code
- Separately
- Not at all

Does the state have a separate review for accessibility compliance before issuing a **building permit**?

- Yes
- No

What is the officially designated entity (e.g., municipal/county/state building officials, architectural access board, private consultants) that conducts these reviews?

What happens if accessibility issues are identified during the review process?

Does the state have a separate review for accessibility compliance before issuing an **occupancy permit**?

- Yes
- No

What is the officially designated entity (e.g., municipal/county/state building officials, architectural access board, private consultants) that conducts these reviews?

What happens if accessibility issues are identified during the review process?

Does your state have any other review processes for accessibility compliance?

- Yes _____
- No

ENFORCEMENT

How are accessibility requirements enforced in occupied/existing buildings?

Select all that apply:

- Citizens complaints
- Inspections by officially designated entities
- Other _____

Can citizens file complaints anonymously?

- Yes
- No

With what entity are complaints filed? _____

Are there fines or some other punishment for non-compliance?

- Fines
- Other _____

How are these fines or other punishments enforced?

Section 3 - Continuing Education/Professional Development/Technical Assistance

Does your state provide copies of the state building code to all code enforcement officials?

- Yes
- No
- Don't know

Do you provide training for building officials and/or others on your state architectural accessibility requirements?

- Yes
- No

Who provides this training?

Is this training mandatory?

- Yes
- No

Does your state offer an accessibility credentialing program for building officials and others?

- Yes
- No

Is this credentialing mandatory?

- Yes
- No

Do you provide technical assistance publications for building officials and/or others on the state's architectural accessibility requirements (e.g., code, ADA documents, technical bulletins)?

- Yes
- No

What entity provides these publications?

Update contact information for the Access Board website (Technical assistance entity, mailing address, phone, web address)

Does your state provide a website for building officials and/or others on the state's architectural accessibility requirements?

- Yes
- No

What entity provides the website? _____

Does your state or another entity provide technical assistance by phone for building officials and/or others?

- Yes
- No

Section 4 - General Evaluation

Overall, how architecturally accessible is your state?

- 1 - Not at all accessible
- 2
- 3
- 4
- 5
- 6 - Completely accessible

Overall, how much progress has your state made to increase accessibility?

- 1 - No progress at all
- 2
- 3
- 4
- 5
- 6 - Significant progress

What accessibility successes has your state had?

What are some of the accessibility challenges your state still faces?

Do you have any additional comments to offer regarding accessibility requirements in your state?

Section 5 - Demographic Information

State _____

Name _____

State Department _____

Position _____

Length of time in Your Position _____

Email Address _____

Phone Number _____

Fax Number _____

ATTACHMENT B: INFORMED CONSENT

PURPOSE OF THE RESEARCH

You are being asked to be a volunteer in a research study. The purpose of this study is to better understand implementation and enforcement of state architectural accessibility standards across the country. We anticipate that representatives from nine states will contribute to this study. The interview consists of 5 sections. We anticipate that the interview will take about 45 minutes to complete.

PROCEDURES, RISKS, AND BENEFITS

There is no direct benefit to you for participating in this study. We hope that the results of the study will improve understanding of implementation and enforcement of state architectural standards in the United States. You will not receive any financial compensation for completing this survey. The risk in this research is minimal and is no greater than what you would ordinarily encounter in daily life. If you agree to participate in this study, please complete the following electronic survey.

Your participation in this study is voluntary. You do not have to be involved in this study if you do not want to be. You have the right to change your mind and end the interview at any time without giving any reason, and without penalty. You do not waive any of your legal rights by agreeing to this consent form.

A report of the results of the study will be available to all participants following completion of the study. If you would like a copy of the report, please feel free to contact Meeting the Challenge, Inc. at 719/444-0268.

You have rights as a research volunteer. Should you have any questions or concerns during or after the survey, please feel free to contact Jana Copeland at 719/444-0268 or jcopeland@mtc-inc.com.

CONFIDENTIALITY

Your participation in this study, including all identifying information you provide, will be kept confidential. However, responses are not anonymous. Please note that when submitting your responses, personal contact information will be retained in connection with your survey answers. However, when discussing your responses, researchers will only refer to the state you represent.

ACKNOWLEDGEMENT

By signing button below, you indicate that you have read (or have had read to you) and understand the above information regarding consent. By clicking, you agree to voluntarily participate in the above-mentioned study. Please print a copy of this consent form for your records.

- I ACCEPT AND VOLUNTEER TO PARTICIPATE IN THE STUDY.
 I PREFER NOT TO PARTICIPATE AT THIS TIME.

ATTACHMENT C: UPDATED CONTACT INFORMATION

California

State Building Standards
DSA Headquarters Office
1102 Q Street, Suite 5100
Sacramento, CA 95811
916/445-8100
916/445-3521 (Fax)
<http://www.dsa.dgs.ca.gov/Access/default.htm>

Florida

Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
850/410-2598 (Phone)
877/352-3222 (Toll Free in state)
800/226-4329 (TTY)
850/414-8436 (Fax)
<http://www.dca.state.fl.us>

Hawaii

Disability & Communication Access Board
919 Ala Moana Boulevard, Room 101
Honolulu, Hawaii 96814
808/586-8121
<http://www.hawaii.gov/health/dcab>

Massachusetts

Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108
617/727-0660 (Voice)
617/727-0019 (TTY)
800/828-7222 (Toll free in state)
<http://www.mass.gov/aab>

Michigan

Plan Review Division
PO Box 30245
Lansing, MI 48909

517/241-8328

<http://www.michigan.gov/bcc>

Minnesota

Minnesota Building Codes & Standards

443 Lafayette Road

St. Paul, MN 55155

651/284-5877

<http://www.doli.state.mn.us/buildingcodes>

Pennsylvania

Department of Labor & Industry

Accessibility Advisory Board

651 Boas Street, Room 1600

Harrisburg, PA 17121-0750

717/787-3329

<http://www.dli.state.pa.us>

Texas

Texas Department of Licensing & Regulations

PO Box 12157

Austin, TX 78711

512/463-3211

techinfo@license.state.tx.us

<http://www.license.state.tx.us>

Washington

Washington Building Code Council

906 Columbia Street SW

PO Box 48300

Olympia, WA 98504

sbcc@cted.wa.gov

Washington Association of Building Officials

PO Box 7310

Olympia, WA 98507

360/586-6725

888/664-7515 (Toll free in state)

360/586-5538 (Fax)

wabo@wabo.org

<http://www.wabo.org>

ATTACHMENT D: RESPONDENT INPUT REGARDING STATE ACCESSIBILITY

State Accessibility Successes (presented alphabetically)

- A principal success would be the modification of the Florida Building Code, Chapter 11 beyond what is required in the ADAAG to increase accessibility for persons with disabilities.
- AAB has been in effect for forty years. That is significant. It has nine members, two registered architects, three designees (Elder Affair, Public Safety, Office on Disability), four at large. AAB has four staff.
- Accessibility requirements have been part of the building code from the first state building code.
- Additionally, the state has sponsored two charettes; one for stadium-style movie theaters and one for miniature golf courses that produced products that are used by many architects nationwide as prototypes for these types of facilities. Another charette is being planned for hotel/motel rooms.
- Advocates fight the fight to bring along people who drag heels.
- Awareness of requirements at the local level has increased as well as compliance.
- Certification by the DOJ for equivalency to the ADA
- DCAB conducts an annual accessible design conference, which educates the public and private sector.
- DCAB offers informal technical assistance via fax or phone for public and private facilities.
- Finally adopted ICC. Now if they also adopt the ANSI A117.1 standards like they should have already then all the work to blend the new ADAAG and ANSI will not be wasted in California
- Have adopted national standards and have gotten away from developing own code which has assisted in over all compliance
- Major successful lawsuits against MBTA.
- Many municipalities have disability commissions.
- Michigan standards prior to ADAAG and more stringent
- Municipalities are not required to adopt the state building code but if they adopt a code it must be the state code.
- New construction and alterations, facilities, and sites are compliance with the ADAAG, FHAAG, and RHAG when the projects receive a DCAB final document review letter.
- Since 1974 building code has covered all facilities
- State code certified by DOJ as meeting ADA in 1992

Accessibility Challenges Still Faced by the States (presented alphabetically)

Please note – identifying information from comments has been removed to protect the anonymity of respondents.

- [The state access code] does not include employee areas. Legislature has not seen fit to give authority and recognize importance of this for employment of people with disabilities. Substantial equivalency with ADA, need to cover employee areas before can consider substantial equivalency.
- [The state] does not have a review process for private projects.
- Compliance in existing buildings remains a challenge in [the state]
- Constantly changing accessibility standards that make it difficult if not impossible for building departments to keep up with and enforce properly.
- Existing buildings and facilities where no construction has occurred and existing accessibility concerns remain
- Funding for staff
- Funding for transition plan projects.
- Getting architects and local municipalities better trained on all aspects of the code.
- Incorporating accessibility requirements in the local building codes.
- Need to increase accessibility requirements in housing, particularly reuse of old buildings (e.g., factories becoming apartments).
- Not all areas such as rural portions of the state are covered by the state building code.
- Problems with accessibility in existing facilities.
- Rural areas with existing facilities still have many inaccessible facilities, even where businesses want to make facility more accessible they lack the funds to do so

Additional Comments Regarding Accessibility Requirements (presented alphabetically)

- AAB is undertaking a project with its subcommittee on regulations, architectural firm is redoing all graphics. Subcommittee is looking at ADA, International Building Code, and the Fair Housing Act.
- Architects, designers, contractors want one state code that also covers the design and construction requirements in the ADA and Fair Housing Act.
- It is significant that Florida does have an accessibility code that has been certified by the Department of Justice.

ATTACHMENT E: DESCRIPTION OF NATIONAL NETWORK OF DBTAC: ADA CENTERS

Overview

The U.S. Department of Education's National Institute on Disability and Rehabilitation Research (NIDRR) has funded a network of ten grantees to provide information, training, and technical assistance about the Americans with Disabilities Act (ADA) since 1991. These services are provided to businesses, state and local government agencies, persons with disabilities, architects, building code officials, schools, transit providers, and many other entities with rights and responsibilities under the ADA (see <http://adata.org/> for more detailed information). The DBTACs act as a "one-stop" comprehensive resource on ADA issues in employment, public services (such as transportation), public accommodations, and communications. Each Center works closely with local business, disability, governmental, rehabilitation, and other professional networks to provide ADA information and assistance. DBTAC programs are also involved in generating new knowledge regarding ADA implementation. Our current research platform addresses both employment and community participation issues.



Region 1 Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

[DBTAC – New England ADA Center](#)

Institute for Human Centered Design

180-200 Portland Street, First Floor

Boston, MA 02114

(617) 695-0085 (V/TTY)


(617) 482-8099 (Fax)

E-mail: adainfo@newenglandada.org

Web site: <http://adaptiveenvironments.org/neada/site/home> 


Region 2 New Jersey, New York, Puerto Rico, Virgin Islands

[DBTAC – Northeast ADA Center](#)

Cornell University
201 Dolgen Hall, ILR-Ext.
Ithaca, New York 14853-3901
Phone: (607) 255-8660
Phone: (607) 255-6686 (TTY)
Fax: (607) 255-2763
E-mail: dbtacnortheast@cornell.edu
Web site: www.dbtacnortheast.org 


Region 3 Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

[DBTAC – Mid-Atlantic ADA Center](#)

TransCen, Inc.
451 Hungerford Drive, Suite 700
Rockville, Maryland 20850
Phone: (301) 217-0124 (V/TTY)
Fax: (301) 217-0754
E-mail: adainfo@transcen.org
Web site: www.adainfo.org 

Region 4 Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

[DBTAC – Southeast ADA Center](#)

Project of the Burton Blatt Institute – Syracuse University
1419 Mayson Street
Atlanta, Georgia 30324
Phone: (404) 541-9001 (V/TTY)
Fax: (404) 541-9002
E-mail: sedbtacproject@law.syr.edu
Web site: www.sedbtac.org 

Region 5 Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

[DBTAC – Great Lakes ADA Center](#)

University of Illinois/Chicago
Department on Disability and Human Development
1640 West Roosevelt Road, Room 405
Chicago, Illinois 60608
Phone: (312) 413-1407 (V/TTY)
Fax: (312) 413-1856

E-mail: gldbtac@uic.edu

Web site: www.adagreatlakes.org 

Region 6 Arkansas, Louisiana, New Mexico, Oklahoma, Texas

[DBTAC – Southwest ADA Center](#)

Independent Living Research Utilization
2323 South Shepherd Boulevard, Suite 1000

Houston, Texas 77019

Phone: (713) 520-0232 (V/TTY)

Fax: (713) 520-5785

E-mail: dlrp@ilru.org

Web site: www.southwestada.org 

Region 7 Iowa, Kansas, Missouri, Nebraska

[DBTAC – Great Plains ADA Center](#)

University of Missouri/Columbia

100 Corporate Lake Drive

Columbia, Missouri 65203

Phone: (573) 882-3600 (V/TTY)

Fax: (573) 884-4925

E-mail: ada@missouri.edu

Web site: www.adaproject.org 

Region 8 Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

[DBTAC – Rocky Mountain ADA Center](#)

Meeting the Challenge, Inc.

3630 Sinton Road, Suite 103

Colorado Springs, Colorado 80907

Phone: (719) 444-0268 (V/TTY)

Fax: (719) 444-0269

E-mail: technicalassistance@mtc-inc.com

Web site: www.adainformation.org 

Region 9 Arizona, California, Hawaii, Nevada, Pacific Basin

[DBTAC – Pacific ADA Center](#)

555 12th Street, Suite 1030

Oakland, California 94607-4046

Phone: (510) 285-5600 (V/TTY)

Fax: (510) 285-5614

E-mail: adatech@adapacific.org

Web site: www.adapacific.org 

Region 10 Alaska, Idaho, Oregon, Washington

[DBTAC – Northwest ADA Center](#)

University of Washington

6912 220th Street SW, #105

Mountlake Terrace, Washington 98043

(425) 248-2480 (V)

(425) 774-9303 (Fax)

E-mail: dbtacnw@u.washington.edu

Web site: www.dbtacnorthwest.org 